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Attorneys for Reliant Account Management, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

VIVIAN GRIJALVA; EVAN WENDT; JASMINE YOUNG; ERINN SUDOL; JENNIFER ACKERMAN; ELIZABETH RIPOLI; JAIME SWEAT; JETZEBELL GARCIA; ERICKA ZURA; ZACHARY HODGES; MICHAEL PARI; and ANTHONY PARI, individually,

Plaintiffs,

V.

KEVIN MASON, P.A.; GM LAW FIRM, LLC; KEVIN P. MASON, in his individual capacity; CHANTE L. GRANT, in her individual capacity; NATIONAL LEGAL STAFFING SUPPORT, LLC; RELIANT ACCOUNT MANAGEMENT (RAM), LLC; RESOLVLY, LLC; GREGORY FISHMAN, in his individual capacity; JULIE QUELER, in her individual capacity; JOHN AND JANE DOE DEFENDANTS 1-5; and XYZ BUSINESS ENTITY DEFENDANTS 1-5.

Defendants.

Case No. 8:18-cv-02010-JLS-DFM

Assigned to Hon. Josephine L. Staton
Courtroom 10A

**NOTICE OF MOTION AND
MOTION BY DEFENDANT
RELIANT ACCOUNT
MANAGEMENT, LLC TO DISMISS
SECOND AMENDED COMPLAINT**

Date: August 23, 2019
Time: 10:30 a.m.
Courtroom: 10A

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TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

2 PLEASE TAKE NOTICE that on August 23, 2019 at 10:30 a.m., or as soon
3 thereafter as this matter may be heard in Courtroom 10A of the above-entitled Court
4 located at 411 West 4th Street, Santa Ana, CA 92701, Defendant, Reliant Account
5 Management, LLC (“RAM”) will, and hereby does, respectfully move this Court for
6 entry of an order dismissing claims 1-2 and 5 of Plaintiffs’ Second Amended
7 Complaint against RAM, with prejudice, pursuant to: (a) Federal Rules of Civil
8 Procedure 8(a) and 10(b) for the failure to set forth a short and plain statement
9 showing that Plaintiffs are entitled to relief from RAM and the failure to adhere to
10 federal pleading requirements; and (b) Federal Rule of Civil Procedure 12(b)(6) for
11 the failure to state a claim upon which relief can be granted against RAM which, as
12 established by the exhibits to the complaint, is an independent third-party payment
13 processor which does not provide any of the complained of legal or debt resolution
14 services and does not have any ownership interest in any law firm or debt resolution
15 company.

16 This motion is based on this Notice of Motion and Motion, the concurrently
17 filed Memorandum of Points and Authorities, and all other pleadings and papers on
18 file in this action, and upon such other documentary and oral evidence as may be
19 presented to the Court at the time of hearing.

20 This motion is made following the conference of counsel pursuant to Central
21 District Local Rule 7-3 which took place on May 31, 2019.

23 | Dated: June 11, 2019

THE GIMINO LAW OFFICE, APC

By: /s/ Peter J. Gimino III
Peter J. Gimino III

Attorneys for Reliant Account Management,
LLC

CERTIFICATE OF SERVICE

I certify that on June 11, 2019, I electronically filed the foregoing **NOTICE OF MOTION AND MOTION BY DEFENDANT RELIANT ACCOUNT MANAGEMENT, LLC TO DISMISS SECOND AMENDED COMPLAINT** with the Clerk of the Court for the United States District Court, Central District of California, by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Executed on June 11, 2019, at Irvine, California.

/s/ Peter J. Gimino III